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4 October 1972

MEMORANDUM

SUBJECT: Suggestions for Strengthening the Government
of South Vietnam

1. For many years the U.S. Mission in Saigon and various arms of the U.S. Government in Washington have periodically prepared papers listing ideas for strengthening the GVN and improving its ability to compete politically with its Communist opponents. These papers almost always contain numerous proposals which, while perhaps excellent in themselves, leave out of account the by now well known political preferences and personal proclivities of President Thieu, who must first approve and then execute them. Among the commonest examples are proposals for "broadening the base of the government," "opening a dialogue with the non-Communist opposition," "establishing a council of prestigious advisors," and "firing General Dang Van Quang." An effort has been made to exclude from the suggestions offered below any which, however valuable in themselves, Thieu would almost certainly reject or simply ignore.

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2. Revision of Presidential Election Law: The purpose of the 1971 Presidential election law which resulted in the "one man election" last October was, according to its supporters, to insure against election of the President by only a minority of those voting. The gravest danger, in the opinion of the law's supporters, would have been a well organized and disciplined Communist minority electing a pro-Communist or excessively malleable President. A secondary consideration, though apparently one which weighed heavily with Thieu, was to avoid the indignity of a President elected by only a minority of voters -- in 1967 Thieu was elected with a plurality of less than 35 percent.

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3. The same objective of electing a majority President could have been attained by a run-off provision, but Thieu had rejected such a proposal. He argued that the administration and the voters were already overburdened with elections, since both Lower House and Presidential elections were scheduled for the last half of 1971. (This argument is not entirely convincing. It might have been possible to combine either the first or second Presidential ballot with the Lower House elections. In 1967 Senate and Presidential elections had been held simultaneously. Thieu may have had a better reason for opposing a run-off provision: fear that on the second ballot opposition candidates would unite against him.)

4. It can be -- and within Vietnam has been -- contended that the "one man election" was a huge success: it demonstrated that Thieu was firmly in charge of the country. Nonetheless, it would be desirable to have a presidential election law under which elections would invariably be contested, while at the same time insuring against election of a minority President. Avoiding the risk of a minority President would be especially important if there were any chance of a negotiated settlement providing for Communist participation in South Vietnamese elections. While there may be other means to the same end, a run-off provision has several advantages. It is simple and easily understood, and it cannot easily be viewed as a gimmick devised by an incumbent to retain power, since it has been widely and successfully used in many parts of the world. It would serve the same purpose as the requirement in the 1971 electoral law that all candidates must be endorsed by a certain number of National Assembly or Provincial Council members; but it would not make it impossible for Communists or Communist sympathizers to run. (The requirement for endorsements would have that effect because the Communists, having been barred to date from participation in South Vietnamese elections, have no known supporters in the National Assembly or the Provincial Councils.)

5. A large number of unknowns make it impossible to estimate with confidence how large a vote a pro-Communist Presidential candidate would get in an open election in South Vietnam. Most estimates, by Americans as well as by non-Communist Vietnamese, suggest that the Communists would receive between 15 and 35 percent of the votes. An attractive non-Communist candidate whom the Communists could control or influence, however, might do better. A kindly father figure like the late Phan Khac Suu, for example, might poll a surprisingly high vote.

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Vietnamese history since 1945 suggests that even the most serious Communist threat would not suffice to persuade the nationalists to submerge their differences and agree upon a single candidate. The likelihood of their doing so would be even less if the Communist candidate were "disguised." While it is probably true that the rules governing any election agreed upon as part of a peace settlement would form an integral part of the agreement itself, it would nevertheless seem prudent to have on the books in advance a law containing a run-off provision and eliminating requirements blatantly unfair to the Communists. Otherwise the Communists could claim that the law was obviously unfair and undemocratic, and they could more easily insist that it be changed immediately -- at a time when negotiations were coming to a head and when it might be difficult to give the matter of an election law proper attention. Even on the assumption, however, that the war drags on and Clause 4 of the Constitution (outlawing Communism and pro-Communist neutralism, etc.) remains operative, a run-off would still have the advantages of reducing the danger of a "disguised" Communist slipping in and of giving the newly elected President a more solid mandate.

6. Doubtless Thieu could obtain passage by the present National Assembly of an election law with a run-off provision, but he is most unlikely to do so unless persuaded by the U.S. Although Presidential elections are not due until fall 1975 and the matter cannot be said to be extremely urgent, it is, as explained above, desirable to have the law on the books as soon as possible. Furthermore, promulgation of a new and more liberal presidential election law now -- if properly and judiciously publicized -- might significantly enhance the international image both of the GVN and of Thieu himself.

7. If a run-off electoral provision were enacted, it should be fairly easy to schedule the first or second Presidential vote at the same time as Lower House elections, since both Presidential and Lower House elections are on the same four-year cycle. Alternatively, it might be possible to compress a first and run-off vote into one by having electors indicate their second and third as well as their first choice for President. Under this arrangement (which apparently has worked well in Australia), if no candidate received a majority of first choices, then the second choice votes would be counted, and so on. Although such a system might be a bit complicated for the Vietnamese electorate, it would presumably tend to encourage alliances and moderate divisive attacks among competing nationalists, each

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seeking to obtain the second choice endorsement of his rivals.* Even though the mutual mistrust of candidates might militate against the effectiveness of alliances, such an election law would give the winner a more solid mandate and claim to legitimacy.

8. Revision of National Assembly Election Laws: The present Lower House and Senate election laws would similarly tend to favor the Communists, should they ever participate in South Vietnamese elections. Like the presidential election law, they offer substantial advantages to any well organized, cohesive minority -- which in South Vietnam means the Viet Cong. Thus in the 1970 Senate election, it required only 20.5% of the vote for the third place Huyen list to be elected, and even the first place Mau list got only 26.6%. In the 1967 Lower House elections over half of the winners received less than 20% of the vote in their constituencies. (Pluralities of winning candidates tended to be somewhat higher in the 1971 Lower House election.) In an open election, it is by no means inconceivable that pro-Communist lists could sweep the Senate elections or that a majority of pro-Communist Deputies could be elected to the Lower House. In either case, less than 30% of the popular vote might suffice. The danger would perhaps be greater in the Lower House, where many of the individual elections would be fought out on local issues, with ideological affiliations blurred or obscure. Moreover, a Communist or NLF sympathizer --

*Thus in an imaginary election in which the principal contenders were, from right to left, Tran Thien Khiem, Tran Quoc Buu, Duong Van Minh, and, with Communist support, Truong Dinh Dzu, it is perhaps not too much to hope that the candidates would make recommendations to their supporters along the following lines: Khiem would recommend Buu as second and Minh as third choice; Minh would recommend Buu as second and Khiem as third; Dzu, though he might recommend a second and third choice, would find himself isolated. Of course things would not be quite as simple as in the above outline: partly because voters would not always accept the second and third choice recommendations offered by their first choice, partly because there would be a frantic effort to make deals which might cut across putative ideological affinities -- e.g., Khiem and Minh endorsing each other as second choice rather than Buu, or Dzu and Minh forming an alliance.

who has never worked for the French or the Americans and has remained poor -- may often look more attractive to peasant voters than the typical anti-Communist candidate -- who is usually urban, middle or upper class, and tainted by collaboration with the French, the Americans, or Thieu. Also, Communist cadres are likely to be better organized and motivated and more effective campaigners than those of the nationalists.

9. For these reasons, many of the same Vietnamese politicians who belittle the potential pro-Communist vote as no more than 20 or 25 percent nevertheless warn against accepting a parliamentary -- rather than a Presidential -- election as a basis for a peace settlement. They feel certain that, if ever the Communists did feel constrained to accept an election of which the outcome was not predetermined, they would try to insist upon a parliamentary election.

10. Unlike the Presidential election law, the existing Senate and Lower House election laws, though full of theoretical pitfalls, seem to work out more or less satisfactorily in practice, so long as the Communists are excluded from the contest. If there is any chance at all, however, of eventual elections with Communist participation, then it is not too soon to begin examining changes in the Senate and Lower House election laws which would minimize the chances of a pro-Communist minority dominating either chamber. The sooner this is done, the less it could be said to be merely an anti-Communist ploy -- although the basic aim of the amendments would be obvious. The Constitution itself, not merely the election laws, would probably have to be amended. The thrust of new election laws should be to encourage alliances (among nationalists) and to make certain that winning Senate lists or Lower House candidates gain a majority or at least a strong plurality.

11. Various techniques might be used to this end. The French in the 1950's had a similar problem of a strong Communist minority -- as well as, on the right, a strong Gaulliste minority -- and they devised electoral legislation which succeeded in giving a solid majority to the center without undue offense to democratic sensitivities. Although much of the 4th Republic electoral system would probably be too sophisticated for Vietnam, the French experience is worth examining for ideas on how to encourage alliances among nationalists and to reduce the parliamentary representation of a disciplined minority. (A separate memorandum can be prepared on this subject if one is desired.)

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12. Upgrading the PSDF and RF/PF: The recent appointment of two generals [redacted] as inspectors-general in the PSDF served as a reminder of the second class status usually accorded not only the PSDF but also the RF/PF. These forces are, however, a vital part of the SVN defense structure, and their role would become even more critical after a cease-fire. Nevertheless, to them are assigned the dregs of the Vietnamese officer corps. Most often the officers in these forces are men whose training, qualifications, abilities, and ambitions are below average. Some are officers who are simply not highly motivated and who prefer assignments to the RF/PF so that they can remain near home, perhaps moonlighting on the side. Occasionally, however, as in the case of [redacted] officers in disgrace wind up in the RF/PF or PSDF.

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13. Given the higher priority needs of the elite units and ARVN as well as the mathematically inescapable fact that about half of the officer corps must be below average, it seems certain and even desirable that the PSDF and RF/PF should continue to be commanded by officers who are rather the "skimmed milk" than the "cream." Nevertheless, sprinkling a very few really top-notch officers into key posts in the PSDF and RF/PF could be disproportionately beneficial in raising morale, instilling esprit, and improving efficiency. An aggressive, ambitious officer on his way up -- rather than, as is now often the case, a tired out officer on his way down -- would have real incentive to make something of his command, and merely the appointment of a few such officers would probably help to attenuate the second class soldier complex. Colonel Ngo Tan Nghia, the highly regarded Binh Thuan Province Chief, is an example of the kind of tough, hard-working officer who might be able to do a great deal for the PSDF, RD or PF, especially if it were made clear to him that a good job would be rewarded with a general's star. It is important that any officer chosen as part of an effort to upgrade the PSDF and RF/PF should be known to enjoy the confidence of Thieu. Otherwise the appointment could still be viewed as a form of disgrace or, at best, a "kicking upstairs," with unfortunate consequences for morale.

14. Improvement of Police: The importance to pacification of a highly competent and well motivated police force is obvious and has already been stressed [redacted] 25X1 It is possible, however, that police effectiveness could be improved not only by the assignment -- as suggested above for RF/PF and PSDF -- of a few more top-notch ARVN

officers but also by the assignment of a substantial proportion of the top graduates of the Thu Duc (reserve) and Dalat (career) officers training schools and of the National Institute of Administration. Assigning many of the best young officers to police work would show the importance which the government attaches to the police and would presumably tend to raise prestige and esprit as well as the general level of competence.

15. Buddhist Charter Issue: The An Quang Buddhists have for several years remained quiescent, neither seeking to organize demonstrations nor even issuing the once traditional strident declarations in favor of peace at almost any price. Since the August 1970 Senate elections, the Buddhists have increasingly participated in the system as a kind of "loyal opposition." Moreover, they are not at present clamoring for immediate resolution of the religious charter issue.* Hence the time may be propitious for the GVN to address itself to this issue without losing face and without appearing to give in to political "demands." On the contrary, a GVN move to resolve the problem now would be seen, at home and abroad, as an indication of self-confidence and magnanimity. The "Quoc Tu" faction as representative of Vietnamese Buddhism has become more than ever a fiction in which no one -- not even Quoc Tu's own leaders -- really believes. Loss of Quoc Tu's support would cost the GVN nothing; besides, the few northern refugee Buddhists who remain loyal to Quoc Tu are, as staunch anti-Communists, bound to be on the GVN side anyway. By contrast, An Quang is the most important non-governmental and non-Communist political force in South Vietnam; and it -- especially leftist elements within An Quang -- may, under certain circumstances, flirt with the Communists.

16. The method of resolving the charter issue poses a problem. The GVN would be understandably reluctant simply to take the charter from Quoc Tu and restore it to An Quang. At a time, however, when Thieu is promulgating new legislation by decree affecting the press, political parties, corruption, etc., it would seem appropriate to issue a decree regulating religious associations. (Or, it might be wiser for Thieu

*This issue revolves around the question of which Buddhist sect -- the An Quang or the Quoc Tu -- shall be granted a semi-official government charter as the recognized Buddhist leadership of South Vietnam. The Quoc Tu sect (a small minority of the Buddhists in South Vietnam) now possesses the charter. The An Quang Buddhists, who are far more numerous, want it.

to seek legislative approval for this act, which he could easily obtain. This is a matter which could be left up to Thieu and his advisors to decide.) Such a bill, superceding previous legislation including the famous decree-law 10 of 1950, need mention no religion by name. Rather it could set general criteria for defining bona fide religious associations in South Vietnam -- e.g., minimum numbers of adherents, some facilities for educating and training of clergy, etc. The result would be that both An Quang and Quoc Tu -- as well as Catholicism and various Hoa Hao and Cao Dai factions -- would be recognized as legal religious associations.

17. This would still leave Quoc Tu in possession of most of the property which belonged to the United Buddhist Church before it split in two. That problem might be solved by directing the Ministry of Interior to take a religious census. Such a census, if carried out more or less honestly, would find An Quang far more representative of Vietnamese Buddhists than Quoc Tu. An Quang would then seek a court order requiring Quoc Tu to turn over to it certain properties formerly held in common. The courts would doubtless find in favor of An Quang, if that were what Thieu desired. Indeed, if Thieu wanted it, the courts would even now -- without a new law on religions or a religious census -- settle the matter in An Quang's favor. This would, however, imply that in the past the GVN had been wrong, whereas the somewhat roundabout approach proposed above would put the GVN on the lofty plane of being the first Vietnamese government to regulate all religious associations in an entirely just and comprehensive fashion. Furthermore, An Quang would not be placed in the position of seeking or being granted favors from the GVN, a matter on which militant Buddhists are extremely sensitive and on which they might be exposed to Communist accusations of having "sold out."

18. Resolution of the Buddhist charter issue along the above lines would not cause An Quang's followers to support Thieu. It would, however, remove one of their principal (and largely justified) complaints, quite possibly making their opposition less bitter and systematic and making it easier for them to collaborate with the GVN on matters of overriding anti-Communist interest. It would at least facilitate the task of An Quang leader Thich Tri Quang in maintaining present moderate policies; and it would tend to weaken the position of those leftist elements within An Quang who look upon the PRG as a "lesser evil" than the present GVN. It would also improve the GVN's image abroad.

19. Resolution of the charter issue may fall into the category, noted in paragraph 1 above, of recommendations which Thieu would never accept. There is perhaps a chance, however, that Thieu could be influenced by an approach which stressed the point that he was acting, not in response to pressure from An Quang but in order to regularize, once and for all and equitably, the status of all religious associations in Vietnam. There are obviously legal problems to solve, but the President's legal advisory staff, under Vu Ngoc Tran, could almost certainly work out satisfactory legislation. Although Tran is a conservative northern refugee Catholic, he is fair-minded, and at least one of his principal aides, Colonel Do Trong Hue, is a Buddhist who enjoys good relations with An Quang, despite his proximity to Thieu.

20. Postal Relations with North Vietnam: The Geneva accords provided for a carefully controlled exchange of mail between the two "zones." Rather early (around 1956) the Diem government put an end to these exchanges, which had consisted mainly of post cards. Given the well-known strength of family attachments among the Vietnamese, any proposal to revive such exchanges would prove very popular among the million or so Northern refugees, almost every one of whom -- from ex-Vice President Ky on down -- has some close relatives living in the North.

21. Such a proposal would be a cheap, risk-free way of advertising "anti-Communism with a human face." Almost certainly it would lead to nothing: even if Hanoi did not reject it outright or simply ignore it, working out the modalities of a postal exchange would, under present circumstances, probably drag on interminably. But the mere offer, coming from Thieu, would show him as sure of his position, humanitarian in outlook, and, above all, without an inferiority complex vis-a-vis Hanoi. His "image" would thus be improved among practically all segments of South Vietnamese political opinion: among Northern refugees, because they would hope to take advantage of the exchange; among Southerners and leftists, because it would show Thieu as less rigidly or blindly anti-Communist. Similarly foreign opinion would tend to see the proposal as an indication that Thieu is more reasonable and flexible than previously supposed. Probably, following the Korean model, Thieu should suggest that South and North Vietnamese Red Cross representatives meet together to discuss the problem. In the unlikely event that this suggestion were accepted, the resulting contacts could become a useful step towards Vietnamization of negotiations.

22. Austerity. One of the most frequently heard criticisms of the Thieu regime and its predecessors, including the Diem and, doubtless, the Bao Dai regimes, centers on the contrast between the conspicuous consumption of a privileged few and the squalor in which the majority of Vietnamese must live. Objects of especially severe criticism include the still prevalent Mercedes cars, construction during wartime of opulent private villas, shopping vacations in Hong Kong, Tokyo or Europe, and study abroad based on parental ability to pay rather than qualification or national priorities. No doubt a considerable element of envy enters into much of this criticism, but there is a curious streak of deep-rooted puritanism in the Vietnamese national character which should not be underrated. It is especially strong among Northern and Central Vietnamese -- whether Communist, Catholic, or Confucian-Buddhist -- but it influences in lesser degree Southerners as well. This puritanism is mixed with a vague sense of social justice which is shocked by the contrast between a general's play-boy son driving a sports car around Europe and his less fortunate contemporaries risking their lives on Vietnamese battlefields. Most non-Communist Vietnamese, moreover, grant the superiority of North Vietnam in this area, and they often point with admiration to the simplicity of Ho Chi Minh's life.

23. When the Army, led by Ky and Thieu, officially took over the government in June 1965, a social revolution involving a considerable measure of austerity was proclaimed. The emphasis on austerity lasted no more than a week or two, Ky and most of his fellow generals setting instead an example of high living. It was the era of Maxim's night club, of mahjong by night and cock-fighting by day for high stakes. Hondas were the opiate of the masses (or at least of the lower middle classes). Despite its rapid reversal in practice, the Army's austerity program nevertheless represented a valid insight concerning the feelings and desires of the Vietnamese population. It still does.

24. It would be unrealistic to suggest a thoroughgoing policy of austerity similar to that practiced in London during the "blitz." Nevertheless, a few small but visible gestures might help to modify widespread feelings of inequity.

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Allocations of foreign exchange to students studying

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abroad -- other than bona fide scholarship students -- might be halted. The money thus saved could be used to improve the standards of Vietnamese universities. (It is almost certain that the GVN has spent a great deal more money subsidizing the foreign studies of the rich -- many of whom don't return to Vietnam -- than it has subsidizing all the private universities, Catholic, Buddhist, and Hoa Hao, inside Vietnam.) The main effects of an austerity policy in Vietnam would be psychological and symbolic; it would not really make the poor any less so, though it might make their poverty somewhat more tolerable and less politically combustible. It would soften the image of South Vietnam as a country of glaring contrasts between rich and poor. To be meaningful, however, it would have to begin at the top, with President Thieu setting an example of relatively simple and austere living. (He need not go uncomfortably far, as exaggerated austerity would be regarded as hypocrisy.)

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